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Letter dated 22 January 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Honduras to the United Nations addressed to the President of the Security Council

I have been instructed to request that the letter dated 18 January 2002 and documents attached to it addressed to you as President of the Security Council by H.E. Roberto Flores Bermúdez, Minister of Foreign Affairs of the Republic of Honduras, in reference to the Judgment by the International Court of Justice in the case of Honduras-El Salvador be distributed as a document of the Security Council (see annex).

(*Signed*) Marco A. **Suazo**
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 22 January 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Honduras to the United Nations addressed to the President of the Security Council

[Original: Spanish]

I have the honour to write to you concerning the failure of the Government of El Salvador, to execute the judgment of 11 September 1992 whereby the International Court of Justice settled the land, island and maritime frontier dispute between Honduras and El Salvador.

Not one of the sectors of the land boundary that the International Court of Justice delimited nine years ago, comprising some 142 kilometres, has been demarcated, due to unjustified delays by the Government of El Salvador.

Moreover, in the Gulf of Fonseca, the Government of El Salvador is unwilling to fully observe the right of joint sovereignty that the Court recognized Honduras as having in the non-delimited waters thereof, together with the other coastal States, El Salvador and Nicaragua.

In the Pacific Ocean, the Salvadoran Government is refusing to give effect to what was decided by the judgment, namely that Honduras, together with El Salvador and Nicaragua is entitled to project its maritime spaces from the central sector of the closing line of the Gulf, by agreement in accordance with international law.

The failure of the Government of El Salvador to execute the above-mentioned judgment of the International Court of Justice poses a challenge to the authority, validity and binding nature of the decisions of the main judicial organ of the United Nations.

The delicate situation arising from the failure of the Government of El Salvador to execute the judgment is at variance with the aims and objectives that inspired the Parties when they appeared voluntarily before the International Court of Justice to resolve their differences in accordance with the law. In view of the foregoing, the Government of Honduras, pursuant to Article 94, paragraph 2, of the Charter of the United Nations, feels compelled to turn to the Security Council to request it to intervene and assist in securing the execution of and faithful compliance with the judgment of the International Court of Justice.

I enclose, for your information, a brief report on the acts and omissions of the Government of El Salvador (see appendix) demonstrating its failure to execute the judgment of the International Court of Justice, and its respective annexes.*

(*Signed*) Roberto **Flores Bermúdez**
Minister for Foreign Affairs

* This publication is available at the web site of the International Court of Justice (http://www.icj-cij.org/icjwww/idecisions/icasesbycountry.htm).

Appendix

The failure of the Government of El Salvador to execute the judgment of 11 September 1992 whereby the International Court of Justice settled the land, island and maritime frontier dispute between Honduras and El Salvador poses a challenge to the authority, validity and binding nature of the decisions of the main judicial organ of the United Nations.

The delicate situation arising from the failure of the Government of El Salvador to execute the judgment is at variance with the aims and objectives that inspired the Parties when they appeared voluntarily before the International Court of Justice to resolve their differences in accordance with the Charter of the United Nations and the Statute of the Court.

As a consequence of the foregoing, the Government of Honduras has asked the Security Council, pursuant to Article 94, paragraph 2, of the Charter of the United Nations, to intervene and assist in securing the execution of and faithful compliance with the Court's judgment.

Specifically, pursuant to the aforesaid Article 94, paragraph 2, of the Charter, Honduras requests:

1. That the Security Council make the necessary recommendations to ensure the execution of the judgment, regarding inter alia:

(a) The start of negotiations between the Parties to delimit certain maritime spaces in the Gulf of Fonseca;

(b) The faithful observance of the legal regime established in the Gulf of Fonseca by the judgment of the Court; and

(c) The demarcation of the land boundary delimited by the Court.

2. The designation, by the Secretary-General of the United Nations, of a highly qualified eminent international person to follow up on the Security Council's recommendations concerning the execution of the judgment who shall keep the Council informed.

Should the foregoing procedures not achieve the desired effect, Honduras requests the Security Council to set a deadline of 12 months for the execution of the Court's judgment, after which the Council shall dictate the measures it deems appropriate in order to ensure that the judgment is executed.